

**TOWN OF WESTFIELD
GENERAL ORDINANCE NO. 2013**

AN ORDINANCE REPEALING ORDINANCE 1869

WHEREAS, on June 6, 2006, the Town of Westfield adopted Ordinance No. 1869, which added to the Land Use Ordinance Article 22 entitled Requirements for Developments that Increase the Town of Westfield's Growth Share Obligation for Affordable Housing Pursuant to Third-Round Rules of the New Jersey Council on Affordable Housing; and

WHEREAS, on January 23, 2013, the Superior Court of New Jersey (Honorable Frederic S. Kessler, J.S.C.) entered an Order of Remand and Scheduling of a Fairness Hearing and Compliance Hearing (the "Court Order") in Mount Laurel affordable housing litigation entitled Sunnyside Senior Citizen Housing v. Westfield, et al., Docket No. UNN-L-135-09 (the "litigation"), which Court Order remanded to the Town Council of the Town of Westfield and the Westfield Planning Board the Town's 2009 Housing Plan Element and Fair Share Plan to allow the Planning Board and the Town of Westfield to consider and vote on a new 2013 Affordable Housing Compliance Plan consisting of a new 2013 Housing Plan Element and Fair Share Plan (the "2013 HPE&FSP"), as well as ordinances implementing the 2013 HPE&FSP; and

WHEREAS, the Town's Planning Board has adopted the 2013 HPE&FSP pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. and said Plan has been endorsed by the governing body, which Plan describes the ways in which the Town shall address its fair share for low- and moderate-income housing as determined by the New Jersey Superior Court, Union County and documented in the 2013 HPE&FSP; and

WHEREAS, the Town Council is desirous of amending the Town's Land Use Ordinance in accordance with the Court Order to implement the 2013 HPE&FSP by repealing the Town's former "Growth Share" Ordinance which includes a "Development Fee" Ordinance; and

WHEREAS, on October 7, 2013, the Court entered a final Declaratory Judgment of Compliance and Repose; and

WHEREAS, this Ordinance implements and incorporates the Fair Share Plan and addresses the requirements of N.J.A.C. 5:97, as may be amended and supplemented.

BE, IT THEREFORE ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WESTFIELD, IN THE COUNTY OF UNION AND STATE OF NEW JERSEY, AS FOLLOWS:

1. Article 22 of the Land Use Ordinance be and is hereby repealed in its entirety.
2. The revenue generated by Ordinance 1869 (being repealed by this ordinance) shall be reserved for, and dedicated by the Town of Westfield, to fund the cost of repairs (and program administration) related to the rehabilitation of substandard housing located within the Town of Westfield and occupied by low and moderate income households, until and unless the

use of any portion or all of said revenue for some alternative purpose is approved by a Court having jurisdiction over Westfield's affordable housing compliance plan or the New Jersey Council on Affordable Housing (or any successor agency, if established by the State of New Jersey).

3. The within repealer ordinance shall not become effective until proper passage and publication in accordance with law.

This is to certify that the within Ordinance is
a true and exact copy of the Ordinance adopted
on 12/17/13 by the
Town Council of the Town of Westfield



Claire J. Gray, Town Clerk